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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/739,218

12/19/2000

Yutaka Kai

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3091

21171

7590

07/03/2002

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EXAMINER

NGUYEN, TUAN M

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/739,218	Applicant(s) KAI ET AL.	
	Examiner Tuan M Nguyen	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

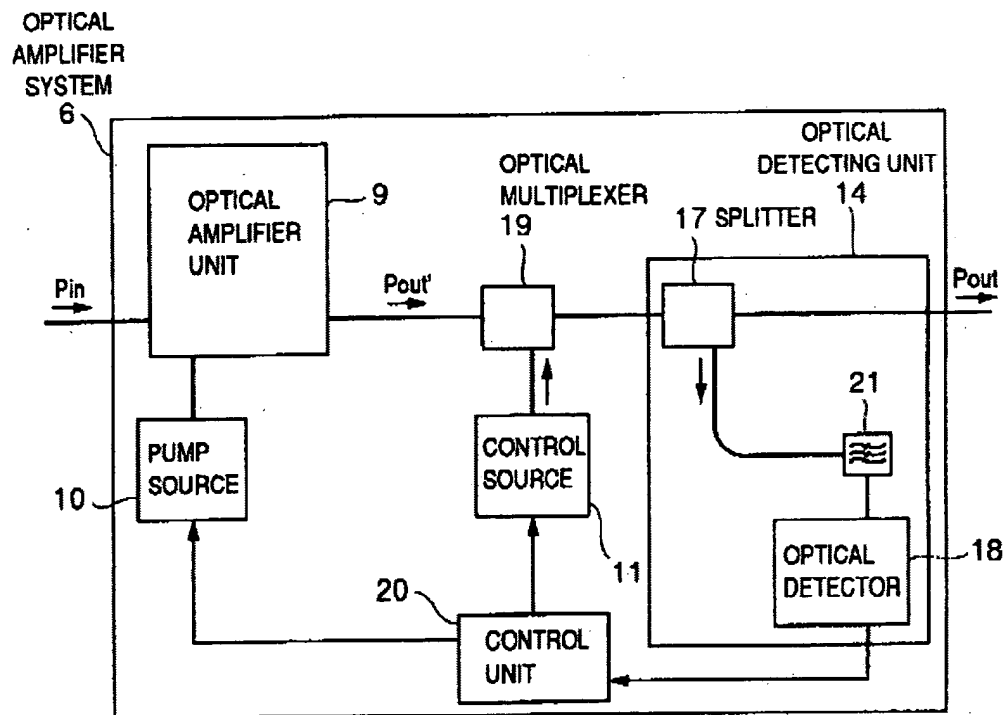
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-10, 13-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Kosaka (US patent 6,262,835 B1).

With respect to claims 1 and 14, Kosaka discloses an optical amplifier unit control methods, optical amplifier systems and systems which use the methods and amplifier systems comprises an optical amplifier unit (9), a laser pump source (10), an optical detecting unit (14) including an optical detector (18), a wavelength filter (21), a controlling unit (20), note col. 20 lines 17-34, see fig 14.

FIG.14



With respect to claim 2, Kosaka discussed about the light source has nearly constant wavelength and the periodic filter is substantially equal the length of the wavelength , note cols. 2-4.

With respect to claim 3, Kosaka discussed about the center wavelength, note col. 1 and 2, see fig 41a and 41b.

With respect to claims 4 and 5, Kosaka discussed about the controlling means (20) see fig 14, Kosaka also discussed about the wavelength oscillation and center wavelength, note col. 1, 2 and 24, see fig 41a and 41b.

With respect to claim 6, Kosaka discussed about the optical amplifying means for amplifying laser light to be output to an exterior, note cols. 6-8.

With respect to claim 7, Kosaka discloses the optical amplifier system (6) and optical amplifier unit (9), see fig 14. Kosaka also discussed about the optical amplifying means, note cols. 14-16.

With respect to claim 8, Kosaka discussed about the plurality of laser are semiconductor lasers and the controlling device temperature, note cols. 8-11 and 24.

With respect to claim 9, Kosaka discussed about the plurality of lasers are semiconductor lasers and oscillation wavelength by controlling driving current, note cols. 4, 8-11.

With respect to claim 10, Kosaka discussed about the plurality of lasers are semiconductor lasers, the controlling means controls device temperature and the controls driving current, note cols. 4, 8-11, and 24.

With respect to claim 13, Kosaka discussed about the oscillation wavelength and temperature controller, note col. 24, see fig 14.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka et al (US patent 6,262,835 B1).

With respect to claims 11 and 12, Kosaka discussed all about except for the filter is a plurality of filters. However Kosaka shows the optical detecting unit (14) including a filter (21), see fig 14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the wavelength filter, since it has been held that discovering an optimum value of a result effect variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Citation Of The Pertinent References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Yamane et al (US patent 6,295,247 B1) discloses wavelength multiplexing transmission apparatus and wavelength demultiplexing reception apparatus.

The patent to Utsumi (US patent 6,031,644) discloses method, device, and system for controlling wavelength of optical signal.

The patent to Onaka et al (US patent 5,696,859) discloses optical-filter array, optical transmitter and optical transmission system.


The patent to Kosaka et al (US patent 6,233,091 B1) discloses optical amplifier unit control methods optical amplifier systems and systems which use the methods and amplifier systems.

Communication Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan M Nguyen whose telephone number is (703) 306-0247. The examiner can normally be reached on 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-5511 for regular communications and (703) 306-5511 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.


Paul Ip
SPE
Art unit 2828

TMN
June 24, 2002